

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FRANK COPPLER,

Plaintiff,

vs.

Civ. No. 99-58 JP/WWD

SHAWN P. BECK, et al.,

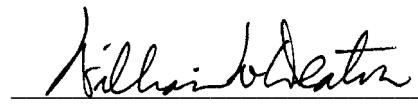
Defendants.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court as the result of a telephone conference concerning a list of documents Defendant Benjie Montano was requested to bring to his deposition which is now scheduled for February 29, 2000, having been rescheduled from an earlier date. No Notice of Deposition with such a list was served for the earlier date which, unlike the presently set date, was within the deadlines set for discovery. The reason Defendant Benjie Montano was asked to bring certain documents with him was to avoid the situation which occurred with another witness, a Captain in the Santa Fe County Sheriff's Department, who indicated an inability to respond to the questions concerning officer training, the Sheriff's budget, the pre-hiring investigation of Defendant Shawn Beck, and other matters implicit in the list of documents Defendant Benjie Montoya was asked to bring with him to his deposition. Plaintiff intends to ask the Sheriff questions on the same subjects and Plaintiff was attempting to have present the reference material the Sheriff would need to respond to these questions. The request for the documents is not timely and I will not enforce it. The Sheriff has been put on notice as to the nature of some of the inquiries that will be made at his deposition, and he may be questioned, *inter alia*, as to that notice as well as the subjects covered in the aforementioned list.

Discovery shall proceed in accordance with the foregoing.

IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE